IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 18006 of 2007(R)

PETITIONER:

D.A. RAVEENDRAN,
ARAVINDAM, CHENGAMANAD P.O.

BY ADV. SRI.A.JAYASANKAR
SRI.MANU GOVIND

RESPONDENTS:

E.S.I. CORPORATION,
REPRESENTED BY ITS REGIONAL DIRECTOR,
ROUND NORTH, THRISSUR-20.

BY ADV. SMT.T.D.RAJALAKSHMY, SC, ESI CORPN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO. 18006 OF 2007

DATED THIS THE 30th DAY OF JULY, 2007

JUDGMENT

The petitioner is an employee of the 2nd respondent Company. On being denied benefits under the Employees State Insurance Act, the petitioner approached the Employees State Insurance Court. The Insurance Court allowed the claim. The Corporation took the matter in appeal before this Court and a Division Bench of this Court by Ext.P1 judgment dismissed the appeal. The petitioner has now sought implementation of the order of the Employees Insurance Court.

2. The learned standing counsel for the Corporation submits that since the matter has been taken in appeal to the Supreme court, where similar matters are pending, the order cannot be implemented now. However, there is no case that the Supreme Court has issued any stay order in the appeal. That being so, I am satisfied that the petitioner is entitled to the reliefs prayed for in this writ petition.

Accordingly, I allow this writ petition and direct the respondent to grant benefits of the order in I.C.No.158/01 before the Employees Insurance Court, Alappuzha to the petitioner as expeditiously as possible, at any rate, within one month from the date

of receipt of a copy of this judgment. Needless to say that this would be subject to orders of the Supreme Court in the appeal stated to be filed by the respondent against Ext.P1 judgment.

S. SIRI JAGAN, JUDGE

Acd